THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 16th October, 2006

W.P.No.3631 of 2006

Between:

Modugu Ravi Kumar … Petitioner

and

The Joint Collector (Civil Supplies),
Khammam and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.3631 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings of the 1st respondent dated 21-2-2006 confirming the order dated 21-1-2006 passed by the 2nd respondent appointing the 3rd respondent as fair price shop dealer of Gangadevipadu village, Thallada Mandal, Khammam district as arbitrary and illegal and consequently to direct respondents 1 and 2 to conduct written test and interview as contemplated in the Notification dated 7-1-2006 issued by the 2nd respondent.

It appears that the petitioner's father, who was the permanent fair price shop dealer of Gangadevipadu village, died in harness on 9-10-2005. Thereafter, the petitioner was made incharge of the shop. Subsequently, a notification dated 7-1-2006 was issued calling for applications for filling up the vacancy of fair price shop dealer of Gangadevipadu village on permanent basis. Petitioner along with others applied for the same. However, he was not selected, but the 3rd respondent was selected and appointed by an Order dated 21-1-2006 of the 2nd respondent. Aggrieved by the same, petitioner filed an appeal before the 1st respondent-Joint Collector, but the same was dismissed on 21-2-2006. Challenging the same, the present Writ Petition is filed.

Petitioner is claiming a preferential right over others on the

ground that his father was a permanent fair price shop dealer of Gangadevipadu village and on the death of his father, he is entitled for consideration for grant of authorization in his favour as per the guidelines issued by the Commissioner of Civil Supplies in this regard.

A detailed counter affidavit has been filed by the 1st respondent denying the allegations made by the petitioner and stating *inter alia* that interviews for the appointment of fair price shop dealer of Gangadevipadu village were conducted on 20-1-2006 and no written test was conducted as per the Circular dated 27-8-2004 of the Commissioner of Civil Supplies, Andhra Pradesh, Hyderabad. Applicants were interviewed about their knowledge, skills, financial status and educational qualifications. Since the 3rd respondent secured highest marks, he has been selected as fair price shop dealer. During the pendency of the appeal before the 1st respondent, status quo was directed to be maintained for three weeks, but, thereafter, final orders were passed dismissing the appeal itself. Further, the fair price shop is situated at Gangadevipadu of Nuthankal Gram Panchayat. It is not correct to say that Gangadevipadu is the Hamlet of Mallaram Gram Panchayat. There are already two fair price shops existing at Mallaram village, namely, Mallaram F.P.shop No.1 and F.P.shop No.2. Gangadevipadu hamlet will also come under the purview of Mallaram F.P.shop No.2. But, the present notification issued to Gangadevipadu is different. It is located in Nuthankal village and Nuthankal Gram Panchayat.

Learned Government Pleader appearing for respondents 1 and 2 strenuously contended that the petitioner is not entitled for being continued as fair price shop dealer of Gangadevipadu village automatically.

Heard both sides.

There are some guidelines with regard to appointment of the wife/children of the deceased fair price shop dealers on preferential basis. But, they have not taken the shape of a policy and they are at the recommendatory stage. In the facts and circumstances of the case, without expressing any opinion on merits, respondents 1 and 2 are directed to consider the case of the petitioner for grant of authorization, as and when guidelines are issued for giving preference to the children of the deceased fair price shop dealer, in the future vacancies.

With the above direction, the Writ Petition is disposed of. No order as to costs.

16-10-2006

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